

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MEIKA DESEAN BRITTON

PLAINTIFF

v.

No. 4:22CV167-JMV

MILTON GASTON, ET AL.

DEFENDANTS

**ORDER REVOKING PLAINTIFF'S *IN FORMA PAUPERIS*
STATUS FOR ACCUMULATING THREE "STRIKES" –
AND REQUIRING PAYMENT OF THE FULL FILING
FEE WITHIN 21 DAYS OF THE DATE OF THIS ORDER**

The court takes up, *sua sponte*, revocation of the plaintiff's *in forma pauperis* status because he has violated the "three strikes" provision of the Prison Litigation Reform Act ("PLRA"). *See* 28 U.S.C. § 1915(g). The *pro se* prisoner plaintiff, an inmate in the custody of the Mississippi Department of Corrections, has submitted a complaint challenging the conditions of his confinement under 42 U.S.C. § 1983.

Section 1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

The plaintiff has accumulated "strikes" under 28 U.S.C. § 1915(g) in the following cases: *Britton v. Outlaw*, 3:13cv163-MPM-JMV (N.D. Miss.) (case dismissed for failure to state a claim); *Britton v. Southaven Police Dept.*, 17-60432 (5th Circuit) (appeal dismissed as frivolous); and *Britton v. City of Southaven*, 3:18CV204-RP (N.D. Miss.) (case dismissed as *res judicata*).¹

¹ A dismissal of a prisoner § 1983 case on *res judicata* grounds operates as a "strike" under the Prison Litigation Reform Act. "[I]n *forma pauperis* complaints may be dismissed as frivolous if

The plaintiff has accumulated at least three “strikes” and has thus abused his *in forma pauperis* privileges, and those privileges are **REVOKED**.

As such, it is **ORDERED** that the plaintiff must pay the filing fee within 21 days of the date of this order. If the plaintiff fails to pay the filing fee within 21 days, then the Clerk of the Court is **DIRECTED** to dismiss this case without further action by the court.

SO ORDERED, this, the 4th day of October, 2023.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE

they seek to relitigate claims that allege substantially the same facts arising from a common series of events which have already been unsuccessfully litigated by the plaintiff.” *Pittman v. Moore*, 980 F.2d 994, 994 (5th Cir. 1993); *see also Blakely v. Evans*, 574 F. App’x 420 (5th Cir. 2014) (affirming dismissal of § 1983 case as malicious because the plaintiff had raised the same claims unsuccessfully in prior litigation) *and McCallup v. Mississippi Dep’t of Corr.*, 48 F. App’x 105 (5th Cir. 2002) (same).